

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

United States District Court
Southern District of Texas

ENTERED

January 24, 2019

David J. Bradley, Clerk

JOSE LUIS NINO,
Individually and on behalf of all others
similarly situated

Plaintiff,

v.

WOOD GROUP PSN, INC.

Defendant.

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Civil Action No. 2:2018-cv-00241

JURY TRIAL DEMANDED

COLLECTIVE ACTION

PURSUANT TO 29 U.S.C. §216(b)

CLASS ACTION PURSUANT TO
FED. R. CIV. P. 23

ORDER

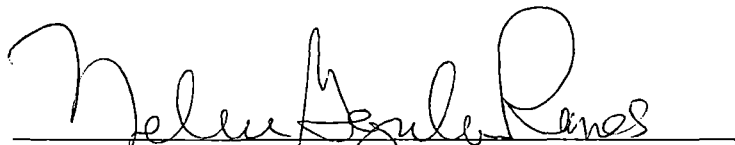
The parties have agreed on conditional certification and sending notice to the putative class members. Having considered the Agreed Stipulation Regarding Conditional Certification and Notice to the Putative Class Members ("Stipulation"), the Court ORDERS conditional certification as follows:

1. The Court conditionally certifies a Putative Class of "ALL TRANSPORTATION DRIVERS EMPLOYED BY WOOD GROUP PSN, INC., ANYWHERE IN THE UNITED STATES, AT ANY TIME WITHIN THE PAST THREE YEARS THROUGH THE PRESENT" (the "Putative Class Members").
2. Defendant will provide the names, personal email addresses, dates of employment, , and last known addresses for the Putative Class Members no later than fourteen (14) days following the Court's granting of the Order for Conditional Certification. This information will be provided in a usable electronic format, such as Excel. In the event any mail is returned as undeliverable to a Putative Class Member, Defendant shall

provide the last four digits of the social security number and telephone number for that individual.

3. The Court approves the form and content of Plaintiff's Proposed Notice and Consent Form, attached as Exhibit "A" to the Agreed Stipulation Regarding Conditional Certification and Notice to the Putative Class Members. Plaintiff's counsel will have seven (7) days from the date of receipt of the above information from Defendant to distribute the Notice and Consent forms to the Putative Class Members.
4. The Court authorizes Plaintiff's counsel to send the Putative Class Members a Notice and Consent form by regular First Class Mail and Email. The Court authorizes Plaintiff's counsel to send an identical reminder Notice and Consent form by regular First Class Mail and Email 30 days after the initial mailing.
5. The Putative Class Members will have sixty (60) days from the initial mailing of the Notice and Consent form to file the Consent form with this Court to opt-in to the above captioned lawsuit (the "opt-in period").
6. Plaintiff's counsel must maintain the names and physical addresses as confidential records and shall not share the information with any third-party. At the conclusion of the opt-in period, Plaintiff's counsel must destroy/delete all copies of the information pertaining to any Putative Class Member who did not timely file a Consent form.

DONE and ORDERED this _____ day of 1/23/19, 2019.

A handwritten signature in black ink, appearing to read 'Nelva Gonzales Ramos', written over a horizontal line.

HON. NELVA GONZALES RAMOS
UNITED STATES DISTRICT COURT JUDGE

Exhibit A

THIS IS A COURT-APPROVED NOTICE
*****THIS IS NOT AN ADVERTISEMENT FROM A LAWYER*****

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

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NOTICE OF COLLECTIVE ACTION LAWSUIT

TO: All Transportation Drivers Who Worked for Wood Group PSN, Inc. ("Wood Group"), Anywhere In The United States, At Any Time During The Past Three Years Through The Present

RE: Unpaid Back Wages and Overtime Lawsuit Against Wood Group

DEADLINE TO FILE CONSENT FORM: _____¹, 2019

1. Why Are You Getting This Notice?

You received this Notice because the Court in charge of this lawsuit has ordered this Notice be sent to persons who are identified by Wood Group's records as a current or former transportation driver who has worked for Wood Group, anywhere in the United States, at any time in the past three years through the present (together, "Plaintiffs").

The Court has conditionally allowed or "certified" a collective action lawsuit that may affect you. This notice is intended to advise you of how your rights under the Fair Labor Standards Act ("FLSA") may be affected by this lawsuit and describe how to participate in this suit if you want to.

¹ This date will be 60 days after the Notice is mailed.

2. What Is This Lawsuit About?

Jose Louis Nino filed this lawsuit on behalf of himself and other current and former transportation drivers, alleging that Wood Group failed to pay its transportation drivers for all the hours they worked – specifically, Wood Group required Plaintiffs to perform their pre-trip and post-trip vehicle inspections, among other required duties, while off-the-clock and without pay.

In addition to unpaid back wages and overtime, Plaintiff is seeking liquidated (double) damages equal to their unpaid back wages and overtime, attorneys' fees, and costs.

Wood Group denies Plaintiff's allegations and contends that the Plaintiffs have been, and continue to be, properly paid under the FLSA.

The Court has not decided who is right but has authorized this Notice to inform you of your right to join this lawsuit.

3. Are You Eligible to Join This Lawsuit?

You are eligible to join this lawsuit if:

1. You were employed by Wood Group as a transportation driver at any time from three years prior to when you opt-in to this lawsuit; and
2. You believe you were not paid for all of the time you spent working on Wood Group's behalf.

4. What are Your Options?

If you meet the criteria for this lawsuit, you have a choice to assert your legal rights in this case if you desire to do so. However, you are not required to do so and may choose to take no action without consequence to you.

If you want to become a party to this case, you must read, sign, and return the attached Consent to Join Wage Claim form by _____², 2019.

You may return your consent form by filling out the attached Consent form, mailing it to Plaintiff's attorneys in the enclosed self-addressed stamped envelope, faxing it to 361-452-1284, or emailing it to team@a2xlaw.com.

² This date will be 60 days after the Notice is mailed.

5. Effect of Joining or Not Joining the Lawsuit.

If you submit a Consent to Join Wage Claim form, you will be part of the case. Therefore, if the Plaintiff who filed this case win or settle the case, you may receive additional money from Wood Group. If the Plaintiff who filed this case loses the case, you will receive nothing and will be bound by the decision, but you will not have to pay anything either.

If you decide to join the lawsuit, you may be required to answer written questions under oath, produce documents relating to your claim, testify at an oral deposition under oath, and/or testify at trial with regard to your claims against Wood Group.

If you do not wish to be a part of the lawsuit, you do not need to do anything. The decision to join is entirely yours.

Because the FLSA only allows workers to recover up to the past 3 years of back wages, eligible workers who do not join this litigation, may lose their rights to recover overtime for work performed in the past for Wood Group.

6. You Cannot and Will Not Be Fired for Joining This Lawsuit.

Many employees fear being terminated for making a wage claim. However, federal law prohibits Wood Group, or any other employer, from firing, blackballing, or in any other manner discriminating against you because you join or otherwise participate in this case.

If you suspect any retaliation, you may contact the attorneys below at (361) 452-1279 and ask to speak with Clif Alexander or Austin Anderson.

7. Your Legal Representation If You Join.

If you choose to join this suit you may choose to hire your own attorney or you may agree to be represented by Plaintiff's attorneys. Plaintiff's attorneys in this case are Clif Alexander and Austin Anderson of the law firm ANDERSON ALEXANDER, PLLC. Their contact information is listed below.

8. How Can You Receive More Information?

If you have any questions about the collective action, your rights, or the basis on which the attorneys expect to be paid, you may contact them directly at:

ANDERSON ALEXANDER, PLLC
819 N. Upper Broadway
Corpus Christi, Texas 78401
Telephone: (361) 452-1279
Fax: (361) 452-1284
team@a2xlaw.com

9. You Have Sixty (60) Days to Join this Lawsuit.

Your determination of whether or not to take action should be made promptly. Because the law only allows a person to recover up to three (3) years of back wages from the date the Consent to Join Wage Claim form is filed, time is of the essence in submitting this form if you wish to have the opportunity to make a full recovery.

All Consents must be filed no later than _____, 2019, which is sixty (60) days after this Notice was mailed to you. A Consent form is enclosed with a self-addressed stamped envelope.

*****YOU SHOULD NOT CONTACT
WOOD GROUP OR THE COURT TO DISCUSS THIS MATTER*****

**CONSENT TO JOIN WAGE CLAIM AGAINST
WOOD GROUP PSN, INC.**

Court-imposed deadline for filing this consent form is _____³, 2019.

Print Name: _____

1. I consent, agree, and opt-in to the lawsuit filed against Wood Group PSN, Inc. ("Defendant") titled *Nino v. Wood Group PSN, Inc.*, Case No. 2:18-cv-00241 (S.D. Tex.) ("the Lawsuit"), to pursue my claims of unpaid overtime under the Fair Labor Standards Act ("FLSA") against Defendant.
2. I understand that the Lawsuit is brought under the FLSA, and I consent to be bound by the Court's decision.
3. I designate the law firm and attorneys at ANDERSON ALEXANDER, PLLC, as my attorneys to prosecute my wage claims in the Lawsuit.
4. I consent to having the Representative Plaintiff in the complaint against Defendant, make all decisions regarding the litigation, the method and manner of conducting this litigation, the terms of any potential settlement of this litigation, releasing of claims, entering into an agreement with Plaintiff's Counsel regarding attorneys' fees and costs, and all other matters pertaining to this lawsuit.

Signature: _____

Date Signed: _____

Please print or type the following information which will be kept confidential:

Address

City/State/Zip

Home Telephone Number

Cell Phone Number

E-Mail Address

Estimated Dates of Employment

Position(s) Held with Defendant

Location(s) Worked for Defendant

RETURN THIS FORM BY MAIL, E-MAIL OR FAX TO:

**Overtime Lawsuit Against Wood Group PSN, Inc.
ANDERSON ALEXANDER, PLLC
819 N. Upper Broadway
Corpus Christi, Texas 78401
Telephone: (361) 452-1279
Fax: (361) 452-1284
team@a2xlaw.com**

³ This date will be 60 days after the Notice is mailed.